

EXHIBIT 1#

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. 20-40 Erie

TYVARH NICHOLSON

RESPONSE OF THE UNITED STATES TO
DEFENDANT'S MOTION FOR EARLY RELEASE

During the May 30, 2020, riot in downtown Erie, Tyvarh Nicholson, while on state probation for a prior offense, threw Molotov cocktails in the direction of the police who were attempting to quell the riot. Nicholson has a lengthy criminal record that includes violent behavior, drug dealing and illegal firearm possession. There is no factual or legal basis supporting his request for early release from his prison sentence.

Factual and Procedural Background

Tyvarh Nicholson's involvement in the downtown Erie riot on May 30, 2020, was captured on several different security videos, which showed Nicholson filling plastic water bottles with gasoline, lighting them on fire via a wick, and hurtling them at police officers. During an interview in the months after the riot, Nicholson confessed to his illegal actions and initialed still images of himself from the security videos. He also admitted to breaking into a bar in the area of the riot and stealing various bottles of liquor, one of which he was photographed carrying during the riot.